

33 to page 5, line 1, the specification states that " compositions used to carry out the present invention may consist essentially of the fluorocarbon and the carbon dioxide, with only minor amounts of cosolvents, surfactants or the like included therein."

In contrast, Gribbin states, at column 3, lines 44 through 46, that "[f]urther examples [of film-forming polymeric agents] are aqueous solutions or emulsions of bifunctional fluoropolyethers, in particular bifunctional derivatives, such as diols, dicarboxylic acids and diesters." At column 4, lines 4-10, Gribbin proposes various carrier gases including carbon dioxide that may be used to form an aerosol. Thus, Gribbin proposes an aerosol composition of bifunctional fluoropolyethers in water with a carbon dioxide carrier gas. Applicants respectfully submit that the aerosol compositions of Gribbin do not anticipate Claim 15 because the compositions of Gribbin do not "consist essentially of carbon dioxide and between about 0.1 and 20 percent of a fluoropolyether" as recited in Claim 15. Gribbin requires an aqueous solution of the fluoropolyether. Thus, in the Gribbin compositions, water is the solvent, not a minor amount of a co-solvent. For at least the foregoing reasons, Applicants respectfully submit that Claims 15-18 and 20 are not anticipated by Gribbin and request that this rejection be withdrawn.

III. § 103(a) Rejections

Claims 21 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gribbin in view of U.S. Patent No. 5,009,367 to Nielsen. The Action admits that Gribbin fails to teach that carbon dioxide is a liquid or a supercritical fluid. However, the Action states that Nielsen teaches combining supercritical fluids with a coating composition and spraying this composition and asserts that it would be obvious to substitute the supercritical fluid CO₂ of Nielsen for the gaseous CO₂ of Gribbin. While dependent Claims 21 and 22 are patentable by virtue of the patentability of independent Claim 15, these claims are separately patentable over Gribbin in view of Nielsen for the following reasons.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. M.P.E.P. § 2143.03. Claim 21 recites a composition consisting essentially of liquid carbon dioxide and between about 0.1 and 20 percent of a fluoropolyether. In contrast, Gribbin proposes the use of carbon dioxide as a carrier gas useful for providing an aerosol of an aqueous solution of a bifunctional fluoropolyether and

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Amendment (No Fee), Commissioner for Patents, Washington, DC 20231, on January 8, 2002.

Monica L. Croom

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Title:

Please amend the title in all occurrences as follows:

--[METHOD AND] COMPOSITIONS FOR PROTECTING CIVIL INFRASTRUCTURE--

In the Claims:

Please amend Claim 15 as follows:

15. (Twice Amended) A composition useful for protecting civil infrastructure, said composition consisting essentially of [**between about 80 and 99.9 percent**] carbon dioxide and between about 0.1 and 20 percent of a fluoropolyether, said fluoropolyether having at least one anchoring group covalently joined thereto.

* * * *END* * * *